

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JAMIEL MUHAMMAD,

Defendant-Appellant.

UNPUBLISHED

April 1, 2014

No. 313984

Ingham Circuit Court

LC No. 11-001002-FC

Before: DONOFRIO, P.J., and SAAD and METER, JJ.

PER CURIAM.

Defendant appeals his jury trial convictions for four counts of first-degree criminal sexual conduct, MCL 750.520b(1)(a), and two counts of second-degree criminal sexual conduct, MCL 750.520c(1)(a).¹ For the reasons stated below, we affirm.

Defendant unconvincingly asserts that the prosecution failed to present sufficient evidence to support his convictions.² Specifically, he points to inconsistencies in the trial testimony of the prosecution's child witnesses, and suggests that these inconsistencies demonstrate that the charges against him were fabricated.

¹ We note that the judgment of sentence erroneously lists the offenses as 750.520b(2)(b) and 750.520c(2)(b).

² In reviewing the sufficiency of the evidence, this Court must view the evidence de novo in the light most favorable to the prosecutor and determine whether a rational trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt. *People v Reese*, 491 Mich 127, 139; 815 NW2d 85 (2012); *People v Meissner*, 294 Mich App 438, 452; 812 NW2d 37 (2011). However, we will not interfere with the factfinder's role of determining the weight of evidence or the credibility of witnesses. *People v Wolfe*, 440 Mich 508, 514; 489 NW2d 748, amended 441 Mich 1201 (1992); *People v Eisen*, 296 Mich App 326, 331; 820 NW2d 229 (2012). It is for the trier of fact rather than this Court to determine what inferences can be fairly drawn from the evidence and to determine the weight to be accorded to the inferences. *People v Hardiman*, 466 Mich 417, 428; 646 NW2d 158 (2002); *People v Dunigan*, 299 Mich App 579, 582; 831 NW2d 243 (2013).

Both complainants testified that defendant subjected them to horrific sexual molestation and abuse on numerous occasions—testimony which contained sufficient evidence for defendant’s convictions. Their statements at trial contained inconsistencies on the timing of the molestations. Questions of credibility—including those arising from inconsistencies in testimony—are for the trier of fact to resolve. *People v Lemmon*, 456 Mich 625, 646–647; 576 NW2d 129 (1998); *People v Harrison*, 283 Mich App 374, 378; 768 NW2d 98 (2009); *People v Avant*, 235 Mich App 499, 506; 597 NW2d 864 (1999).

Here, the jury clearly believed the testimony of defendant’s victims, and had a strong basis for doing so. The victims’ accounts of the episodes before trial and their testimony at trial were consistent and corroborated one another in all major respects. The few inconsistencies were relatively minor—particularly when viewed in the context of the extensive scope of all the victims’ accounts. Further, a detective testified that children can be confused about the chronology of events when something occurs consistently over a long period of time, and a medical expert witness who examined the complainants said that children often relate events in discrete pieces. The medical expert also testified that evidence from the victims’ physical examinations was congruent with their accusations. On this basis, a rational “trier of fact could find that the essential elements of the crime were proven beyond a reasonable doubt.” *Reese*, 491 Mich at 139 (citations omitted).

Affirmed.

/s/ Pat M. Donofrio
/s/ Henry William Saad
/s/ Patrick M. Meter